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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,364	12/30/1999	RAYMOND G. MATHER	E-906	6248

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/475,364

Applicant(s)

MATHER ET AL.

Examiner

Akiba K Robinson-Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Status of Claims

1. In response to the communication received on 5/5/03, the following is a non-final office action. Claims 14, 15, and 22-24 have been cancelled. Claims 13 and 16 have been amended. Claims 1, 3-13 and 16-21 are pending in this application and have been examined on the merits. Claims 1, 3-13 and 16-21 are rejected. The previous rejection has been maintained. The following rejection reflects the claims as amended.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/5/03 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1, 3-13 and 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kadaba et al (EP 0 787 334 B1).

As per claim 1, Kadaba, et al discloses:

A system for tracking receipt and internal movement resulting in a delivery or other final disposition status of items such as packages within an organization...(Col. 1, lines 5-9):

A portable data terminal...(Col. 11, lines 54-55);

Record information regarding the receipt...(Col. 12, lines 7-16);

Record information regarding the internal movement...(Col. 13, lines 8-16, where the examiner is interpreting the data collection format of the present invention as the bar code information of Kadaba, et al);

A base station capable of communicating with the portable data terminal for uploading electronic files...(Col. 12, lines 31-44, where the base station of the present invention is analogous to the central computer system of Kadaba et al since the portable data entry device of Kadaba et al transfers information to the central computer system, also in Col. 3, lines 36-41, Kadaba et al discloses that information is transferred *between* the information storage device of the portable data entry device and the central computer system located at a parcel delivery firm meaning that any information stored at the central computer system can be uploaded to the information storage device of the portable data entry device).

Wherein the system is configurable so as to allow a user to use the base station to modify the data collection format according to the user's needs...(Col.

3, lines 25-32, where the data is being displayed via the same format or symbols of the information associated with the parcel which was entered through the data entry, here the data format is being modified by the user when the parcel information is entered with a particular symbol format, this changes the original format used by the previous parcel, also Col. 10, lines 49-57 where Kadaba discloses a "Site Configuration" where the user is allowed to alter the configuration of interfaces associated with devices which at a station does include a data entry for providing a data collection format).

As per claims 3, Kadaba, et al discloses:

Further comprising a data processing unit capable of communicating with the portable data terminal...(Col. 3, lines 45-47);

Maintain a database of records...(Col. 3, lines 51-52, Col. 10, line 58-Col. 11, line 3, Col. 11, lines 29-32);

And internal movement...(Col. 4, lines 6-10)

Maintain a database of recipient names...(Col. 4, lines 4-5);

Generate a manifest of selected ones...(Col. 4, lines 16-17, [captured signatures]).

As per claim 4, Kadaba, et al discloses:

Wherein the data processing unit is further programmed to maintain a database of sender names...(Col. 7, line 7);

And carrier names related to said received items...(Col. 5, lines 15-18, Col. 6, line 53-Col. 7, line 5, [driver's PDA information is downloaded]).

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As per claim 5, Kadaba, et al discloses:

Wherein the data processing unit is further programmed to provide status information related to said received items through searches...(Col. 13, lines 21-31, Col. 12, lines 25-43).

As per claim 6, Kadaba, et al discloses:

Wherein the portable data terminal is further programmed to associate the receipt of items with the recipients...(Col. 7, lines 2-8).

As per claim 7, Kadaba, et al discloses:

A display device...(Col. 11, line 58);

An inputting device...(Col. 11, line 58-Col. 12, line 3);

A communication device to communicate with the base station...(Col. 12, line 5).

As per claims 8, 17, Kadaba, et al discloses:

Wherein the received items contain barcode...(Col. 13, lines 12-16, Col. 12, line 58).

As per claims 9, 18, Kadaba, et al discloses:

Wherein the information displayed on the display device includes a popup list...(Col. 8, lines 5-18).

As per claims 10, 19, Kadaba, et al discloses:

Wherein the display device displays a plurality of entry fields...(Col. 8, lines 5-18).

As per claim 11, Kadaba, et al discloses:

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Further comprising a communication medium...(Col. 12, lines 31-44).

As per claim 12, Kadaba, et al discloses:

Further comprising a connection cradle...(Col. 9, lines 55-58).

As per claim 13, Kadaba, et al discloses:

A portable data terminal...(Col. 1, line 6):

A display device...(Col. 11, line 58);

An inputting device...(Col. 11, line 58-Col. 12, line 3);

Record information regarding the receipt...(Col. 12, lines 7-16);

Is inputted with a data collection format which can be created and/or modified...(Col. 12, lines 46-49, Col. 3, lines 25-32, where the data is being displayed via the same format or symbols of the information associated with the parcel which was entered or input through the data entry, here the data format can be created/modified by the user when the parcel information is entered or input with a particular symbol format, this changes the original format used by the previous parcel, also Col. 10, lines 49-57 where Kadaba discloses a "Site Configuration" where the user is allowed to alter the configuration of interfaces associated with devices which at a station does include a data entry for providing a data collection format);

A communication device adapted to allow the portable data terminal to communicate with an external device for exchanging electronic files, wherein the external device is configurable so as to allow the user to create or modify the data collection format at the external device and to upload electronic files

therefrom to the portable data terminal in order to modify the data collection format...(Col. 3, lines 25-32, where the data is being displayed via the same format or symbols of the information associated with the parcel which was entered through the data entry, here the data format is being modified by the user when the parcel information is entered with a particular symbol format, this changes the original format used by the previous parcel. Here, the processor serves as the communication device and the reader serves as the external device since the reader is an outside device that reads the symbols with different formats. In addition, Col. 10, lines 49-57, Kadaba discloses a "Site Configuration" where the user is allowed to alter the configuration of interfaces associated with devices. Some of these devices include the wand, which uploads the wand information from the parcel to the portable device).

As per claim 16, Kadaba, et al discloses:

Receive information regarding the receipt...Col. 12, lines 7-16, Col. 13, lines 8-16, where the examiner is interpreting the data collection format of the present invention as the bar code information of Kadaba, et al);

Maintain a database of records related to the received items...(Col. 3, lines 51-52, Col. 10, line 58-Col. 11, line 3, Col. 11, lines 29-32);

And internal movement...(Col. 4, lines 6-10)

Generate a manifest of selected ones...(Col. 4, lines 16-17, [captured signatures]).

As per claim 20, Kadaba, et al discloses:

Wherein the data collection format includes a selection of entry items...(Col. 8, lines 8-11, w/ col. 7, lines 1-8, where the list is information derived from the PDA check in).

As per claim 21, Kadaba, et al discloses:

Wherein the entry items further include a PO number of the recipient...(Col. 7, lines 7-8, represented by the identity of the recipient).

Response to Arguments

5. Applicant's arguments filed 5/5/03 have been fully considered but they are not persuasive.

As per claim 1, the applicant argues that Kadaba does not teach or suggest the following: "a base station capable of communicating with the portable data terminal for uploading electronic files thereto in order to modify the data collection format, wherein the system is configurable so as to allow a user to use the base station to modify the data collection format according to the user's needs". However, Col. 3, lines 25-32 of Kadaba describes how data is being displayed via the same format or symbols of the information associated with the parcel which was entered through the data entry, here the data format is being modified by the user when the parcel information is entered with a particular symbol format. This modification changes the original format used by the previous parcel. Here, the processor serves as the communication device and the reader serves as the external device since the reader is an outside device that reads the symbols with different formats. In addition, Col. 10, lines 49-57 of Kadaba discloses

a "Site Configuration" where the user is allowed to alter the configuration of interfaces associated with devices. Some of these devices include the wand, which uploads the wanted information from the parcel to the portable device. In this case, the "Site Configuration" where the user is allowed to alter the configuration of interfaces with associated devices is disclosed. This "Site Configuration" is carried out at the PC represented in Fig. 1 [40]. In this case, the PC represents the base station and is capable of communicating with the portable data terminal as shown in Col. 6, lines 12-15, to upload electronic files as shown in Col. 6, lines 16-18.

As per claim 13, the applicant argues that Kadaba fails to disclose "The external device is configurable to allow the user to create or modify the data collection format at the external device and to upload electronic file therefrom to the portable data terminal in order to modify the data collection format". However, in Col. 10, lines 49-57, Kadaba discloses a "Site Configuration" where the user is allowed to alter the configuration of interfaces associated with devices. Some of these devices include the wand, which uploads the wanted information from the parcel to the portable device. In this case, these devices serve as the external device of the present invention and the data collection format is represented by the configuration of the device interfaces.


As per claims 3-12, and 16-21, these claims depend either directly or indirectly from independent claims 1 and 13 and are therefore rejected for the same reasons set forth with respect to claims 1 and 13.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


A. R.-B.
May 28, 2003


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
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